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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|---|
| Proceeding | 92077063 |
| Party | Plaintiff Jessenia Gallegos |
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| Submission | Motion for Summary Judgment Yes , the Filer previously made its initial disclosures pursuant to Trademark Rule 2.120(a); OR the motion for summary judgment is based on claim or issue preclusion, or lack of jurisdiction. The deadline for pretrial disclosures for the first testimony period as originally set or reset: 05/08/2022 |
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| Date | 10/29/2021 |
| Attachments | Petitioners Mot for Partial Summary Judgement.pdf(158698 bytes) DECLARATIONS AND EXHIBITS IN SUPPORT OF PET MSJ.pdf(3992662 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
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| |) | |
| Jessenia Gallegos |) | Cancellation No. 92077063 |
| |) | |
| Petitioner, |) | In the matter of trademark registration |
| |) | Registration No. 6278898 |
| V. |) | |
| |) | For the mark JESSENIA |
| |) | |
| Jessenia Mills |) | Registered on February 23, 2021 |
| |) | |
| Respondent |) | |
| |) | |

**PETITIONER’S MOTION FOR PARTIAL SUMMARY JUDGEMENT AND
MEMORANDUM OF LAW IN SUPPORT THEREOF**

Pursuant to 37 C.F.R. § 2.127 and Fed. R. Civ. P. 56, Petitioner, Jessenia Gallegos (“Petitioner”) by her undersigned attorney, hereby moves for partial summary judgment granting the petition to cancel “Registrant” or “Respondent”, Jessenia Mill’s registration for the mark JESSENIA in IC class 041 (the “Registered Mark”), United States Trademark Registration No. 6278898 (the “898 Registration”).

As set forth herein, and in the accompanying Declaration of Jessenia Gallegos with Exhibits (“Gallegos Decl.”), Declaration of Johnny Marines with Exhibit (“Marines Decl.”), and the Declaration of Kevin Montano (“Montano Decl.”).there are no material facts in dispute and as a matter of law, the Registration should be cancelled. The only causes of action for this partial motion for summary judgment are based on priority, first use and likelihood of confusion between the Mark and the Infringing Mark.

PRELIMINARY STATEMENT

Since at least as early as 2009, Petitioner has been continuously using the mark “JESSENIA” (the “Mark”) throughout the United States on and in connection with personal appearances by an actor as a spokesperson for entertainment or educational purposes under IC Class 041.

Additionally, since July 11, 2013 Petitioner has used the JESSENIA mark in connection with entertainment services in the nature of live musical performances; entertainment services in the nature of singing and acting live; entertainment, namely, live music concerts; entertainment services, namely, dance events by a recording artist under IC Class 041.

Additionally, since April 2019, Petitioner has used the JESSENIA mark in connection with songwriting in accordance with International Class 041.

Additionally, since October 12, 2018, Petitioner has used the JESSNIA mark in connection with International class 009-musical recordings; musical sound recordings; audio recordings featuring music; downloadable musical sound recordings; sound recordings featuring music and also under International class 041 -Fashion modeling for entertainment purposes and entertainment services.

Despite these facts, Registrant applied for and obtained a registration with the United States Patent and Trademark Office (Registration No. 6278898) for the mark “JESSENIA” (the “Infringing Mark”) in connection with identical goods to those offered by Petitioner under the Mark. As the evidence submitted herewith demonstrates, there is a strong likelihood of confusion between the Infringing Mark and Petitioner's Mark, in that (1) the Infringing Mark is identical to Petitioner's Mark; (2) Respondent's identified goods and

services are identical to those by Petitioner under the Mark; and (3) Respondent sells those identical goods in identical channels of trade to an identical class of consumers as Petitioner. Therefore, a likelihood of confusion exists between the Infringing Mark and the Mark.

Petitioner has unambiguously established that no genuine issue of material fact exists regarding her priority over the Mark and therefore moves for partial summary judgment in the above-captioned cancellation action.

STATEMENT OF UNDISPUTED FACTS

Petitioner is a singer, songwriter, actor, producer, musician, model, actor, live performer and spokesperson who has been continuously using the Mark Jessenia since at least 2009 under IC class 041. Gallegos Decl. ¶ 2.

Petitioner is harmed by the Respondent and has standing. Gallegos Decl. ¶ 4.

Petitioner has used the mark Jessenia at least as early as 2009, Petitioner has been continuously using the mark “JESSENIA” (the “Mark”) throughout the United States on and in connection with personal appearances by an actor as a spokesperson for entertainment or educational purposes under IC Class 041. Gallegos Decl. ¶ 5., Exb. A.

Additionally, since July 11, 2013 Petitioner has used the JESSENIA mark in connection with entertainment services in the nature of live musical performances; entertainment services in the nature of singing and acting live; entertainment, namely, live music concerts; entertainment services, namely, dance events by a recording artist under IC Class 041. Gallegos Decl. ¶ 6; Exb. B.; Montano Decl. ¶ 6; and Marines Decl. ¶ 3-5.

Additionally, since April 2019, Petitioner has used the JESSENIA mark in connection with songwriting in accordance with International Class 041. Gallegos Decl. ¶ 7.; Exb W.

Additionally since since October 12, 2018 Petitioner has used the JESSENIA mark in

connection with Fashion modeling for entertainment purposes with cover art for her musical recordings. Gallegos Decl. ¶ 5.; Exbs C, E, and G.

Additionally, since October 12, 2018, Petitioner has used the JESSNIA mark in connection with the marketing and sale of International class 009-musical recordings; musical sound recordings; audio recordings featuring music; downloadable musical sound recordings; sound recordings featuring music. Gallegos Decl. ¶ 7., Exb C. Respondent did not release her first song until 2020. Gallegos Decl. ¶ 17., Exb. D.

Petitioner first made money in commerce with the Jessenia mark on July 11, 2013. Montano Decl. ¶ 6. She has continued to do so with sales and streams of her musical recordings. Gallegos Decl ¶ 23; Exb I.

Petitioner and Registrant's mark JESSENIA is identical in look, spelling and pronunciation. Gallegos Decl. ¶ 11.

Petitioner's first sound recordings offered under the Mark Jessenia, titled "Power Numbers," was released on October 12, 2018 digital downloads and for online streaming available through online retail partners including but not limited to Amazon, Itunes, Google music, Apple, Tidal and Spotify. Gallegos Decl.¶ 16; Exb. C.

Petitioner's next sound recording offered under the Mark, titled "Ammo," was released on October 1, 2019 via digital downloads and for online streaming available through online retail partners including but not limited to Amazon, Itunes, Google music, Apple, Tidal and Spotify. Gallegos Decl. ¶ 17; Exb. C.

Petitioner has continued to release, market and offer for sale via online the aforementioned retail partners with the following: Phoenix EP. Gallegos Decl. ¶ 19; Exb. E.

- | | |
|------------------|-------------------|
| a. Sorry | September 3, 2020 |
| b. Excuse | September 3, 2020 |
| c. Not Today | September 3, 2020 |
| d. Phoenix | September 3, 2020 |
| 4. Phantom Pain | May 7, 2021 |
| 5. Angel of Mine | May 8, 2021 |

Respondent released her first song in 2020 after Petitioner. Gallegos Decl. Ex. D.

Respondent has only been using JESSENIA offering for sale in commerce her musical recordings online since 2020. Gallegos Decl. ¶ 20; Exb. F.

Petitioner has expended significant sums of money promoting her sound recordings under the Mark by way of website and marketing all bearing the Mark. Gallegos Decl. ¶ 22; Exb. H.

On February 23, 2021, Registrant obtained a registration with the U.S.P.T.O for the identical Infringing Mark. (see Registrant's JESSENIA, Registration, 6278898 (the "Registration")). Registrant identifies her date of first use in **commerce** of the Infringing Mark as August 25, 2016. See the Registration. The following goods and services:

International Class 041 for the following goods and services:

G & S; Songwriting; Entertainment services in the nature of live musical performances; Entertainment services in the nature of singing and acting live; Entertainment, namely, live music concerts; Fashion modeling for entertainment purposes; Personal appearances by an actor as a spokesperson for entertainment and education purposes; Entertainment in the nature of dance performances; Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Entertainment services, namely, dance events by a recording artist.

Respondent is also seeking protection under IC class 009 yet did not file a basis under this

class.

Registrant does not identify any limitations on the channels of trade or class of consumers in its description. In fact, Registrant offers for sale its sound recordings under the Infringing Mark through the exact same online retail outlets using Amazon, Google Music, Apple, Spotify and Tidal. Gallegos Decl. ¶ 23; Exbs. C, D, E and F.

Visitors that go to www.amazon.com and select digital music and then search for the term “JESSENIA” are directed to sound recordings of both Petitioner and Registrant. Gallegos Decl. ¶ 34; Exb. F.

Similarly, when you perform a google search on www.google.com for the term “Jessenia music” and then click the **images** tab you will see confusion with the mark JESSENIA as it lists all my album covers and also includes Respondent’s image for JESSENIA songs at image 3, 12, and 13. Gallegos Decl. ¶ 25; Exb. J.

When you perform a google search for “Jessenia music”, Respondent’s artist profile is commingled on the right of Petitioner’s songs and videos causing a likelihood of confusion. Gallegos Decl. ¶ 26; Ex. K.

When you perform a google search on www.google.com for the term “Jessenia spotify” you will see the first two (2) results are confusing which one is the Petitioner. The first result is Petitioner, but the second result is the Respondent each showing and confusing the same mark JESSENIA of which Petitioner used first. Gallegos Decl. ¶ 27; Ex. L.

Respondent has a BMI account number as 550744660 and has only been with BMI since April 1, 2019 and an end date of September 30, 2021 as referenced in her own specimen in her trademark application. See registration.

Petitioner has a BMI account number of 550266050. Petitioner, on the other hand has been registered with BMI as of September 2012 with account number 550266050. Petitioner was registered with BMI 6.5 years prior to Respondent. Petitioner either wrote or co-wrote the following songs: “Not Today” (4/2019), “Phoenix” (12/2019) and “Years and Tears” (3/20) under the JESSENIA Mark as the artist. Gallegos Decl. ¶ 23; Exb. W.

Respondent’s website is similar and confusing to the public and consumers. Petitioner owned and operated www.itsjessenia.com from around January 1, 2018 to July 2020 when it sold at an online auction so she had to set up www.itsjessenia.net. Gallegos Decl. ¶ 28 ; Exb. N. She had a credit card on file for auto payment and it expired so she had to create the domain to switch from .com to .net.

Respondent set up her webpage to confuse the public on January 16, 2020. Gallegos Decl. ¶ 29; Exb. O. Petitioner’s prior page www.itsjessenia.com was still active and published and the Respondent had notice of it. Respondent named her page <https://jesseniaofficial.com/> to confuse and make it look as if she was the first to use JESSENIA. Gallegos Decl. ¶ 30; Exb. P.

Petitioner has spent time and money amassing a loyal following on social media and Instagram and Petitioner and Respondent’s instagram handles are confusingly similar. Petitioner’s Instagram name is “IamJessenia” and she has 533,000 followers and had this profile name since around 2017 of which was prior to Respondent. Gallegos Decl. ¶ 31; Ex. Q.

Respondent goes by the IG handle of “thisisjessenia” and has 300 followers Gallegos

Decl.¶ 32; Ex. R.

Respondent started her instagram page with her first post on September 10, 2019.

Gallegos Decl.¶ 33; Ex. R.

One of Respondent's posts dated September 26, 2019 states her single "For my Love" is out now. Id. Petitioner went by "JESSENIA" before Respondent and released music before her with the earliest date of October 12, 2018. If you search for Jessenia on Amazon under Digital Music you will see her songs "Power Number", "Angel of Mine" and "Ammo" for sale.

Gallegos Decl.¶ 34; Ex. E.

If you search for "JESSENIA" on Amazon under Digital Music you will also see Respondent's song "Pride" for sale. Gallegos Decl.¶ 35; Ex. F. The results page reveals Respondent's sound recordings alongside and commingled with sound recordings that Petitioner markets, promotes, and offers for sale under the JESSENIA mark. Id.

Similarly, this problem is further compounded by the fact that Respondent's sound recordings now appear as part of Petitioner's catalog of sound recordings offered on certain music sites. For example, If you search for Jessenia as an artist on Apple music at <https://music.apple.com/us/search?term=jessenia>, the Respondent's music videos "Pride", "For My Love" and "Power" are commingled at the bottom with Petitioner's songs and videos. As demonstrated in Exhibit J (second screenshot), Apple Music has mistakenly included Respondent's video "For My Love" actually listed on Petitioner's Artist page under top videos under the confusingly similar and identical JESSENIA mark. Gallegos Decl.¶ 36;

Ex. J. Consumers of Petitioner's sound recordings therefore are likely to be confused by Registrant's continued use of the identical JESSENIA mark.

The same confusion is also present on TIDAL music service. Petitioner's TIDAL artist page is located at <https://tidal.com/browse/artist/7168705>. Respondent's album Love and Madness is listed under Petitioner's albums on her artist profile with a 2021 date. Gallegos Decl. ¶ 37; Ex. S. These are examples of the type of a likelihood of confusion that now exists in the marketplace as a result of Respondent.

Petitioner was signed with Bquate as her distributor. Now Petitioner is signed with Symphonic as her distributor. Respondent, through her attorney sent an email to Petitioner and copied Bquate in the email and informed them that Petitioner did not own the trademark. However, Respondent did not consider Petitioner's prior use. As a result Petitioner has been damaged and further shows she has standing.

As set forth herein, this case is ripe for summary adjudication because there are no material issues of fact in dispute and the undisputed facts show that, as a matter of well-settled law: (1) Petitioner's mark JESSENIA and Registrant's mark JESSENIA are confusingly similar; (2) Petitioner has priority of right over Registrant; and (3) there is a strong likelihood of confusion between the Petitioner's Mark and Registrant's Infringing Mark.

Accordingly, the Board should grant summary judgment on priority of prior use and likelihood of confusion in favor of Petitioner and cancel Registrant's registration of the mark JESSENIA.

ARGUMENT

I. The Standard For Summary Judgment

Summary judgment is proper where “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c); *see also* T.B.M.P. § 528.01. To overcome a Rule 56 motion for summary judgment, the non-moving party must proffer evidence sufficient to demonstrate the existence of a *genuine* dispute as to a material fact. Fed. R. Civ. P. 56(c). In other words, the non-moving party must demonstrate that on the entirety of the record, a reasonable jury could resolve a factual matter in favor of the non-movant. *See Sweats Fashions, Inc. v. Pannill Knftling Co.*, 833 F.2d 1560, 1562 (Fed. Cir. 1987).

The purpose of a summary judgment motion is to promote judicial economy; namely, to avoid an unnecessary trial where, as here, more evidence than already is available could not reasonably be expected to change the result in the case. *See University Book Store v. University of Wisc. Bd. of Regents*, 33 U.S.P.Q.2d 1385 (T.T.A.B. 1994); *see also* T.B.M.P. § 528.01. Thus, as a general rule, the resolution of Board proceedings by means of summary judgment is to be encouraged *{Id.,’ see also Sweats Fashions*, 833 F.2d at 1562 (“summary judgment may no longer be regarded as a disfavored procedural shortcut”), and the Board should grant summary judgment where a full trial is “unnecessary because the essential facts necessary to decision of the issue can be adequately developed by less costly procedures, as contemplated by the FRCP rules here involved, with a net benefit to society.” *Exxon Corp. v. National Foodline Corp.*, 579 F.2d 1244, 1246 (C.C.P.A. 1978) (*quoted in Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 262 (Fed. Cir. 1984)).

In order to sustain this cancellation action under section 2(d) of the Lanham Act, Petitioner must show that Registrant's Infringing Mark:

Consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive[.]

15 U.S.C. § 1052(2)(d). Simply put, in order to prevail on this summary judgment motion, Petitioner must show that no genuine issue of material fact exists with respect to:

- (1) Petitioner's priority over Registrant in the Infringing Mark as a prior user and
- (2) the likelihood of confusion between the Mark and the Infringing Mark.

Petitioner is entitled to summary judgment, as a matter of law, because there is no genuine issue of material fact before the Board with respect to Petitioner's priority over the Infringing Mark. First, Petitioner has conclusively established prior use of JESSENIA without abandonment. Second, a likelihood of confusion clearly exists between Petitioner's Mark and Registrant's Infringing Mark, as it is unquestionable that: (1) the two marks are identical in appearance, sound, connotation, and commercial impression; (2) the two marks are affixed to identical goods; and (3) the channels of trade are identical. Therefore, summary judgment is appropriate in Petitioner's favor and the Board should sustain cancellation of the Registration.

II. There is No Genuine Issue of Material Fact Regarding Petitioner's Priority Over Registrant's Infringing Mark

Petitioner has priority of right over Registrant. Petitioner's continuous commercial use of the Mark prior to Registrant's stated date or any published evidence of first use of the Infringing Mark unequivocally establishes that no genuine issue of material fact exists with respect to Petitioner's priority over the Infringing Mark as a prior user in commerce. Indeed, Registrant has not proffered, and cannot proffer, any evidence to refute this assertion.

a. The Mark is Inherently Distinctive and Deserving of the Utmost Protection

The strength of a mark is identified based on its placement in one of four categories: arbitrary or fanciful; suggestive; descriptive; or generic. See *Abercrombie & FitCh Co. v. Hunting World, Inc.*, 537 F.2d 4, 9 (2d Cir. 1976), *modified on other gds.*, 189 U.S.P.Q. 769 (2d Cir.1976), *overruled on other gds. by, New! York Racing Ass 'n v. Perlmutter Publ 'g*, 959 F. Supp. 578 (N.D.N.Y. 1997). Arbitrary, fanciful and suggestive marks are inherently distinctive and thus are protectable upon commercial use without a showing of secondary meaning. See *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768 (1992).

Petitioner's JESSENIA mark is, by its very nature, afforded the highest degree of protection from infringement because it is an arbitrary word mark. *Accuride International Inc. v. Accuride Corp.*, 871 F.2d 1 531, 1536 (9th Cir. Cal. 1989) ("The strength of a trademark [...] is largely determined by its position on a continuum stretching from arbitrary marks to descriptive marks. Arbitrary and fanciful marks are strong, while suggestive and descriptive marks are weak." (*internal citations omitted*)). An arbitrary mark is a mark "that does not directly describe the qualities of a product to which it applies..." *Clinique Labs., Inc. v. Dep Corp.*, 945 Y. Supp. 547, 551 (S.D.N.Y. 1996) (finding CLINIQUE to be an arbitrary mark with regard to cosmetics). Here, JESSENIA is undeniably arbitrary as it does not directly describe the qualities of the sound recordings produced by Petitioner and has no connection to sound recordings or any musical goods whatsoever. Therefore, the Mark is properly classified as an arbitrary mark.

b. Petitioner Has Established Priority Over the Infringing Mark

Petitioner has produced an abundance of incontrovertible evidence that clearly establishes her proprietary rights in the Mark. Petitioner began using the mark JESSENIA

on and in connection with IC class 041 as early as 2009 in connection with personal appearances by an actor as a spokesperson for entertainment or educational purposes. Gallegos Decl. ¶ 5., Exb. A.

Since July 11, 2013 Petitioner has used the JESSENIA mark in connection with entertainment services in the nature of live musical performances; entertainment services in the nature of singing and acting live; entertainment, namely, live music concerts; entertainment services, namely, dance events by a recording artist under IC Class 041. Gallegos Decl. ¶ 6; Exb. B.; Montano Decl ¶ 6; and Marines Decl. ¶ 3-5.

Additionally, since April 2019, Petitioner has used the JESSENIA mark in connection with songwriting in accordance with International Class 041. Gallegos Decl. ¶ 7; Exb W.

Additionally since since October 12, 2018 Petitioner has used the JESSENIA mark in connection with Fashion modeling for entertainment purposes with cover art for her musical recordings. Gallegos Decl. ¶ 5.; Exbs C, E, and G.

Additionally, since October 12, 2018, Petitioner has used the JESSNIA mark in connection with the marketing and sale of International class 009-musical recordings; musical sound recordings; audio recordings featuring music; downloadable musical sound recordings; sound recordings featuring music. Gallegos Decl. ¶ 7., Exb C. Respondent did not release her first song until 2020. Gallegos Decl. ¶ 17., Exb. D.

Petitioner has proffered considerable evidence clearly demonstrating her continuous use of the Mark on such goods including: (1) sales reports of Petitioner's continued sales throughout the country and online of sound recordings bearing the Mark; and (2) evidence of various online retail outlets selling her sound recordings under the Mark. Gallegos Decl. ¶ 16,

Exbs. C, E, and G. This, along with Petitioner's testimonial evidence in her Declaration, illustrates Petitioner's continuous commercial use of the Mark and her prior use.

Petitioner's steadfast and extensive efforts which have resulted in the accumulation of substantial goodwill in the Mark and have created the strong association in the minds of the purchasing public between the JESSENIA mark and the goods offered by Petitioner since at least 2009.

It is irrefutable that Registrant's continuous and unabandoned use demonstrates priority of right over Registrant which admittedly did not first use the Infringing Mark in commerce prior to Petitioner. Therefore, no genuine issue of material fact exists with regard to the issue of Petitioner's priority.

III. There is a Clear Likelihood of Confusion Between the Mark and the Infringing Mark

Petitioner has unequivocally met her burden of proving that there is a likelihood of confusion between JESSENIA and JESSENIA, and that no genuine issue of material fact exists with regard thereto.

The applicable test for likelihood of confusion was articulated in the case *In re E.I. duPont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973). Although there is no mechanical test for determining the likelihood of confusion between two marks, the *du Pont* decision provides a host of factors to be weighed and considered in testing for likelihood of confusion. *Id.* at 1361. While none of these factors are more important than the other in the likelihood of confusion determination; from case to case, each factor may play a dominant role. *Id.* at 1361-62; *see also, In re Majestic Distilling Company, Inc.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003). In this cancellation action, an analysis of the *du Pont*

factors compels the conclusion that there is a likelihood of confusion between JESSENIA and JESSENIA.

The *du Pont* factors, to be weighed and considered in a likelihood of confusion analysis under Section 2(d) of the Lanham Act, are:

1. The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
2. The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
3. The similarity or dissimilarity of established, likely-to-continue trade channels.
4. The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing.
5. The fame of the prior mark (sales, advertising, length of use)
6. The number and nature of similar marks in use or similar goods.
7. The nature and extent of any actual confusion.
8. The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.
9. The variety of goods on which a mark is or is not used (house mark, "family" mark, product mark).
10. The market interface between applicant and the owner of a prior mark.
11. The extent to which an applicant has a right to exclude others from use of its mark on its goods.
12. The extent of potential confusion, i.e., whether de minimis or substantial.
13. Any other established fact probative of the effect of use. *du Pont*, 476 F.2d at 1361.

This Board should assign the most weight to the first three *du Pont* factors due to the identical nature of the goods, channels of trade, class of consumers, and marks used by the Petitioner and Registrant. Here, it is clear that a likelihood of confusion exists between the two marks.

a. The Marks Are Identical.

The first *du Pont* factor requires the Board to analyze whether JESSENIA and JESSENIA are similar in appearance, sound, connotation, and commercial meaning. Petitioner's Mark and the Registrant's Infringing Mark are undeniably *identical* in appearance, sound, connotation, and commercial impression. Thus, there is nothing to distinguish Petitioner's Mark, JESSENIA from Registrant's Infringing Mark, JESSENIA. Since the two marks are identical under this *du Pont* factor, this factor should control the Board's analysis and provide sufficient justification for the proposition that the Mark and the Infringing Mark are confusingly similar.

b. Petitioner's and Registrant's Goods and Services Are Identical.

The second *du Pont* factor weighs decidedly in favor of the Board finding a likelihood of confusion in that Petitioner and Registrant offer identical goods and services under the marks. As a matter of law, the analysis of the similarity of the parties' goods is confined to the four corners of their respective applications and registrations.

The authority is legion that the question of registrability of an applicant's mark must be decided on the basis of the identification of goods set forth in the application regardless of what the record may reveal as to the particular nature of an applicant's goods, the particular channels of trade, or the class of purchasers to which sales of goods are directed.

Octocom Sys., Inc. v. HOuston COmputers Servs., Inc., 918 F.2d 937, 942 (Fed. Cir. 1990). Moreover, alleged differences in the design of the goods cannot be considered unless they are inherent in the nature of the goods themselves or are expressly set forth in Registrant's application. *Tuxedo Monopoly, Inc. v. General Mills Fun Group*, 648 F.2d 1335, 1337 (C.C.P.A. 1981). The description in the registration also must be construed most favorably to Petitioner as the prior user. *Tuxedo Monopoly, Inc.*, 648 F.2d at 1337.

Registrant's registration identifies:

International Class 041 for the following goods and services:

G & S; Songwriting; Entertainment services in the nature of live musical performances; Entertainment services in the nature of singing and acting live; Entertainment, namely, live music concerts; Fashion modeling for entertainment purposes; Personal appearances by an actor as a spokesperson for entertainment and education purposes; Entertainment in the nature of dance performances; Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Entertainment services, namely, dance events by a recording artist.

Petitioner has been in continuous use of the mark JESSENIA at least as early as 2009. Gallegos Decl. ¶ 5. This situation presents an instance where the parties' goods compete directly with one another in the exact same category with identical marks — factors which show, with undisputed proof, that consumer confusion is likely. *See Banff Ltd.v. Federated Dep't Stores*, 841 F.2d 486, 492 (2d Cir. 1988) ("To establish likelihood of confusion, competing goods require less proof ... than noncompetitive items."). Because Respondents stated goods are of the exact type as those sold by Petitioner under her mark JESSENIA, the potential for confusion is high.

Based on the Registrant's description of goods therein, Petitioner and Registrant's goods are identical. Accordingly, there is no dispute that the second *du Pont* factor weighs heavily in Petitioner's favor.

c. Petitioner's and Registrant's Goods Are Offered For Sale And Sold In Identical Channels of Trade.

The evidence on record demonstrates that the third *du Pont* factor weighs heavily in Petitioner's favor as the channels of trade are again identical.

The third *du Pont* factor requires the Board to analyze whether Petitioner and Respondent use similar channels of trade for the sale of their respective audio recordings. To the extent that the goods claimed by the parties are the same, it is presumed that the parties' goods will be sold in the same channels of trade and to the same relevant

purchasers. See *Genesco, Inc. v. Martz*, 66 U.S.P.Q.2d 1260, 1268 (T.T.A.B. 2003); *In re Smith and Mehaffey*, 31 U.S.P.Q.2d 1526 (T.T.A.B. 1994). Where, as here, the Petitioner's and Registrant's goods are legally identical, the Board is entitled to *presume* that the channels of trade and classes of consumers are also identical. *In re Yawata Iron & Steel Co.*, 159 USPQ 721, 723 (CCPA 1968) (where there are legally identical goods, the channels of trade and classes of consumers are considered identical); see also *American Lebanese Syrian Associated Charities Inc. v. Child Health Research Institute*, 101 USPQ2d 1022, 1028 (TTAB 2011); *In re Viterro Inc.*, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012).

Petitioner and Respondent both promote and sale the same goods in the same channels of trade. Gallegos Decl. ¶¶ 34,36, and 37; Exbs. C, D, E, and F.

Moreover, as a matter of established fact, the trade channels used to distribute the works of Petitioner and Respondent actually are *identical*. Therefore, no real question exists with respect to whether Petitioner and Respondent deal in identical and similar channels of trade.

Analysis of these three determining *du Pont* factors is so compelling that no genuine issue of material fact exists with respect to the likelihood of confusion between JESSENIA and JESSENIA.

CONCLUSION

Based on the evidence in the record, there is no question that Petitioner has priority of right in the Mark based on her unabandoned and prior continuous use in commerce of her goods and services under IC class 041 and 009. Additionally, there is no dispute that a likelihood of confusion exists between the parties' marks. Because of this,

no reasonable fact-finder could resolve this matter in favor of the Respondent. Thus, Petitioner is entitled to summary judgment as a matter of law.

For the foregoing reasons, it is submitted that valid grounds exist for granting Petitioner's motion for partial summary judgment, and such action is hereby requested.

Dated: October 29, 2021

Respectfully Submitted,

By: /Nicholas Anthony Pagliara/

Nicholas A. Pagliara,

Attorney for Petitioner

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CERTIFICATE OF SERVICE

I, HEREBY CERTIFY, that on this 29th day of October, 2021, a true and correct copy of the foregoing Motion for Partial Summary Judgment and all attachments was filed electronically with the U.S. Trademark Trial and Appeal Board via ESTTA, and a copy was automatically emailed to Ms. Mills counsel: **Carena@thelemonsfirm.com**

Carena Brantley Lemons The Lemons Law Firm, PLLC

1921 North Pointe Drive, Suite 201

Durham, North Carolina 27705

Phone: 919.688.7799

By: /Nicholas Anthony Pagliara/

Nicholas A. Pagliara,
Attorney for Petitioner

In re Registration No: 6278898

Mark: JESSENIA

Issued: February 23, 2021

| | | |
|-------------------|---|---|
| _____ |) | |
| Jessenia Gallegos |) | Cancellation No. 92077063 |
| |) | |
| Petitioner, |) | Declaration of Jessenia Gallegos |
| |) | |
| V. |) | |
| |) | |
| |) | |
| Jessenia Mills |) | |
| |) | |
| Respondent |) | |
| _____ |) | |

I, Jessenia Gallegos, hereby declare as follows:

I have personal knowledge of all the facts and circumstances contained herein, and I submit this declaration in support of my Motion for Partial Summary Judgment seeking to cancel the registration of the mark JESSENIA owned by Registrant, Jessenia Mills ("Registrant").

Preliminary Statement

1. I am at least 18 years of age.
2. I am a singer, songwriter, actor, producer, model, live performer, spokesperson and musician.
3. I have brought this Cancellation Proceeding (the "Cancellation") in order to cancel Registrant's registration of the mark JESSENIA for all uses of it under IC Class 041.
4. I have a pending Registration pertaining to Class 009 and Respondent also has

goods and services competing and harming me. Respondent has sent an email to my prior distributor Bquate of my audio songs and caused them to drop me as an artist.

5. I have been in continuous use of the mark JESSENIA since at least as early as 2009, I have been continuously using the mark “JESSENIA” (the “Mark”) throughout the United States on and in connection with personal appearances by an actor as a spokesperson for entertainment or educational purposes under IC Class 041.

6. Additionally, since July 11, 2013 I have used the JESSENIA mark in connection with entertainment services in the nature of live musical performances; entertainment services in the nature of singing and acting live; entertainment, namely, live music concerts; entertainment services, namely, dance events by a recording artist under IC Class 041.

7. Additionally, since April 2019, I have used the JESSENIA mark in connection with songwriting in accordance with International Class 041.

8. Additionally since since October 12, 2018 I have used the JESSENIA mark in connection with Fashion modeling for entertainment purposes with cover art for my musical recordings.

9. Additionally, since October 12, 2018, I have used the JESSNIA mark in connection of the marketing and sale with International class 009-musical recordings; musical sound recordings; audio recordings featuring music; downloadable musical sound recordings; sound recordings featuring music specifically online streaming and download.

10. Additionally, I have been in continuous use of the Mark JESSENIA first in **commerce** throughout the United States since as early as July 11, 2013 when I made a

personal appearance and performed on stage singing at the Latin Mixx Awards and after party of which I was compensated for. Montano Decl. ¶ 6.

11. Registrant's mark, JESSENIA, is the same identical mark as my mark JESSENIA.

12. Despite my prior and paramount rights in and to the mark JESSENIA, REGISTRANT was granted federal registration of the mark JESSENIA in connection with identical goods to many of the goods I have been marketing under the mark JESSENIA. I believe the Registrant is capitalizing on the brand identity and goodwill that I have accumulated under the mark JESSENIA by distributing identical goods and services through the same and similar channels of trade to the same class of consumers.

13. Accordingly, I respectfully request that this Cancellation be sustained and that Registrant's Federal registration of the mark JESSENIA (Reg. No 6278898) be cancelled by the USPTO.

Background

14. Since at least 2009, I have been using the JESSENIA mark under IC class 041. regarding identification of personal appearances by an actor as spokesperson for entertainment or education purposes. My use of the JESSENIA Mark started on national television when I appeared on the Tyra Banks show Season 4, episode 140 as just "JESSENIA" where Kim Kardashian chose me and crowned me as a Kim Kardashian lookalike and which the world heard and saw my name as just JESSENIA (see Exhibit A).

15. I modeled before in the past under the Jessenia Vice name for modeling only prior to 2015.

16. I was signed with the Distributor Bquate and I released the song Power Numbers on October 12, 2018 under the JESSENIA mark (see Exhibit C).

17. In 2019, I released the song AMMO on October 1, 2019 under the JESSENIA mark (see Exhibit C).

18. On the other hand, Respondent released her first song in 2020 (see Exhibit D).

19. I began marketing, offering for sale via my distributor Bquate and I offered digital downloads and for online streaming available through online retail partners including but not limited to Amazon, iTunes, Google music, Apple, Tidal and Spotify. Since such times, I have continuously offered for sale throughout the United States the sound recordings via those channels (see Exhibit E). Additionally after the prior two releases I released, marketed and offered for sale the songs below with the same online partners

1. Phoenix EP

- | | |
|------------------|-------------------|
| a. Sorry | September 3, 2020 |
| b. Excuse | September 3, 2020 |
| c. Not Today | September 3, 2020 |
| d. Phoenix | September 3, 2020 |
| 4. Phantom Pain | May 7, 2021 |
| 5. Angel of Mine | May 8, 2021 |

20. Respondent has only been using Jessenia mark offering for sale in commerce her musical recordings online since 2020 (see Exhibit F).

21. I have promoted and spent money in the JESSENIA mark by performing live and marketing. In doing so, I further promoted my sound recordings and generated goodwill in the

JESSENIA mark prior to Respondents' use of the mark. I had a billboard in times square with the JESSENIA mark and my face for the single "PHANTOM PAIN". (see Exhibit G).

22. I spent money on the promotion of my website. I first had www.itsjessenia.com prior to 2018. The credit card on file expired for auto renewal and the domain was sold at auction so I had to set up www.itsjessenia.net from June 16, 2019 to current (see Exhibit H).

23. I market, promote, offer for sale my sound recordings in various formats on the internet using the distribution company Bquate and recently Symphonic. To demonstrate sales, streams or digital downloads in commerce and show standing for injury I have attached as Exhibit I a true and accurate copy of reports showing such. Exhibit I is a report I have personal knowledge of the sales in the report and keep in the ordinary course of my business. Any song I released through a distributor can not change the artist name later. At all times the distributor has released the songs as JESSENIA through partner websites including but not limited to Apple Itunes, Spotify, Amazon, Google Music, Tidal, and Pandora. I also either wrote or co-wrote the following songs: "Not Today" (4/2019), "Phoenix" (12/2019) and "Years and Tears" (3/20) under the JESSENIA Mark as the artist.

Registrant's Mark JESSENIA is Confusingly Similar and Identical to PETITIONER's JESSENIA Mark

24. Registrant offers for sale its sound recordings under the mark JESSENIA through the exact same online retail outlets.

25. If you search on www.google.com for the term "Jessenia music" and then click the

images tab you will see that there confusion with the mark JESSENIA as it lists all my album covers and also includes Registrants image for JESSENIA songs at image 3, 12, and 13. (see Exhibit J).

26. If you search on www.google.com for the term “Jessenia music” and see all search results lists my songs and videos on the left and then confuses the public by having the Registrant’s music profile Jessenia on the right of the same page and results (see Exhibit K).

27. If you search on www.google.com for the term “Jessenia spotify” you will see the first two (2) results are confusing which one is me. The first result is me but the second result is the Registrant each showing and confusing the same mark JESSENIA of which I used first (see Exhibit L).

Websites are confusingly similar

28. Respondent’s website is similar and confusing to the public and consumers. I owned and operated www.itsjessenia.com from around January 1, 2018 to July 2020 when it sold at an online auction so I had to set up www.itsjessenia.net. (see Exhibit N). I had a credit card on file for auto payment and it expired so I had to create the domain to switch from .com to .net.

29. Registrant set up her webpage to confuse the public on January 16, 2020 (see Exhibit O). My prior page www.itsjessenia.com was still active and published and she had notice of.

30. She named her page <https://jesseniaofficial.com/> to confuse and make it look as if she was the first to use “JESSENIA” (see Exhibit P).

Instagram handles are confusingly similar

31. I have spent time and money amassing a loyal following on social media and Instagram. Both of our instagram handles are confusingly similar. My Instagram name is “IamJessenia” and I have 533,000 followers and I have had this profile name since around 2017 prior to Respondent. (see Exhibit Q).

32. Respondent goes by the IG handle of “thisisjessenia” and has 300 followers (see Exhibit R).

33. Respondent started her instagram page with her first post on September 10, 2019 (see Exhibit R).

34. One of Respondent's posts dated September 26, 2019 states her single “For my Love” is out now. I went by Jessenia before her and released music before her. If you search for Jessenia on Amazon under Digital Music you will see my songs “Power Numbers”, “Angel of Mine” and “Ammo” for sale with the earliest date of October 12, 2018 (see Exhibit E).

35. If you search for Jessenia on Amazon under Digital Music you will also see her song Pride for sale with a date after my first song (see Exhibit F). The results page reveals Respondent's sound recordings alongside and commingled with sound recordings that I market, promote, offer for sale under the JESSENIA mark.

36. Similarly, this problem is further compounded by the fact that Respondent's sound recordings now appear as part of my catalog of sound recordings offered on certain music sites. For example, If you search for Jessenia as an artist on Apple music at

<https://music.apple.com/us/search?term=jessenia>, the Respondent's music videos "Pride", "For My Love" and "Power" are commingled at the bottom with my songs and videos. For example, attached as as Exhibit J is a true and correct copy of a screen shot I obtained from my Apple music artist page offering my sound recordings for streaming. As demonstrated in Exhibit J, Apple Music has mistakenly included on my page Registrant's video "For My Love" actually listed on my Artist page under top videos under the confusingly similar and identical JESSENIA mark (see Exhibit J). Consumers of my sound recordings therefore are likely to be confused by Registrant's continued use of the identical JESSENIA mark.

37. The same confusion is also present on TIDAL music service. My TIDAL artist page is located at <https://tidal.com/browse/artist/7168705>. Respondent's album Love and Madness is listed under my albums on my artist profile with a 2021 date (see Exhibit S). These are examples of the type of confusion that now exists in the marketplace as a result.

REGISTRANTS APPLICATION FOR REGISTRATION 6278898

FASHION MODELING FOR ALBUM COVERS UNDER IC CLASS 041

38. Respondent attached the three (3) specimen photos for cover art for musical recordings "Pride", "Dream Life" and "For My Love" with her registration application 01/08/2020 and alleged use and use in commerce as of 08/25/2016. (see registration). There is no evidence of the date of commerce as the songs and cover art were not released yet until 2020.

39. I released the song Power Numbers with me modeling for the front artwork in 2018. Exhibit C. This was before Respondent released any album cover with her on it. The three specimens she attached were not released into commerce until 2020. Exhibit D.

Personal appearances by an actor as a spokesperson for entertainment and education purposes under Class 041.

40. Respondent attached one specimen with her registration application **01/08/2020** and it was described as a still shot of an acting video. Exhibit T. This does not show where she made a personal appearance at or on and does not have any date as proof. It looks like a home video made with her personal cell phone. Respondent's first alleged use in the registration application was 01/01/2016. See registration.

41. I made a personal appearance as a spokesperson for entertainment and education purpose for the same good or service prior to the respondent. My use of the JESSENIA Mark started on national television when I appeared on the Tyra Banks show Season 4, episode 140 as just "JESSENIA" where Kim Kardashian chose me and crowned me as a Kim Kardashian lookalike and which the world heard and saw my name as just JESSENIA. Exhibit A.

Entertainment services in the nature of singing and acting live under Class 041

42. Respondent attached two specimens with her registration application **01/08/2020** and it was described as still of acting and music cover. Exhibit U, with a first use and commerce date of 08/25/2016. The album cover does not show any performance live and the second specimen does not show any date or where it was performed.

43. I have been in continuous use of the Mark JESSENIA first in commerce throughout the United States as early as July 11, 2013 when I made a personal appearance and performed on stage singing at the Latin Mixx Awards and after party of which I was compensated for. Exhibit B. My use was prior to Respondent's use

Entertainment services in the nature of live musical performances; Entertainment, namely, live music concerts under Class 041.

44. Registrant, attached a specimen with her registration application **01/08/2020** showing a live performance screenshot called Offbeats Acapella Group from her school High Point University. Exhibit V. The stated first use and commerce date was listed as 08/25/2016. This was not used in commerce as it was for a school performance and does not show the JESSENIA mark. The published date on youtube was listed as November 22, 2017. The link is <https://www.youtube.com/watch?v=mwWQsn1b7k4>.

45. On the other hand, I performed live prior to Respondent's date of use as JESSENIA. I have been in continuous use of the Mark JESSENIA first in commerce throughout the United States since as early as July 11, 2013 when I made a personal appearance and performed on stage singing at the Latin Mixx Awards and after party of which I was compensated. Montano Decl. ¶ 6.

46. Consumers have to expect that sound recordings sold under the mark JESSENIA originate with me. Especially with over half million followers on Instagram and having a billboard in Times square in the past.

47. Registrant's JESSENIA mark will create likelihood of confusion because (1)

Registrant's JESSENIA mark is identical to the JESSENIA mark in the sound, look, and commercial impression; (2) registrant's JESSENIA mark is being used in connection with the exact same goods as the goods that I offer under the JESSENIA mark; and (3) Registrant's goods sold under the JESSENIA mark is being sold through same online retail channels as my goods sold under JESSENIA mark to overlapping consumers with the same or similar price.points.

48. Based upon the foregoing facts and for all the foregoing reasons, I specifically request that this Board grant my motion for summary judgment, and cancel Registrant's trademark registration for the mark JESSENIA based on my prior rights and the confusion in and to the mark JESSENIA.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

SIGNED this 9 day of Oct 2021.



Jessenia Gallegos

10/09/21

Exhibit A





Exhibit B



Performing at LMX2013

Updated Aug 6, 2013

attention all DJ! send me ur email address for exclusivity on "In Love With The Dj" Official Music Video. In t... [more](#)

You, JorgeNancy Gallegos and 78 others 8 Comments

Like

Comment

Share



Add Photos/Videos



EXHIBIT C

← → ↻ open.spotify.com/album/2bGfEGJsADJfAPFZyIMWYj

Spotify

Home Search Your Library Create Playlist Liked Songs

Power Numbers

SINGLE

Jessenia • 2018 • 1 song, 2 min 36 sec

1 Power Numbers Jessenia

© 2018 Jessenia Gallegos, Jaimie Wilson, Gerald C. Robinson, Robert Frank Piccione. @ 2018 Jessenia Gallegos

← → ↻ open.spotify.com/album/7Fika4T3doYAC1hFyyUrY5

Spotify

Home Search Your Library Create Playlist Liked Songs

Ammo

SINGLE

Jessenia • 2019 • 1 song, 2 min 26 sec

TITLE

EXHIBIT D



- Home
- Search
- Your Library
- Create Playlist
- Liked Songs



Jessenia

SIGN UP

LOG IN

Singles and EPs



Power
2020



Dreamlife
2020



Pride
2020



For My Love
2020

Cookies

EXHIBIT E


amazon.com/Power-Numbers-Jessenia/dp/B0924Y7YB6/ref=sr_1_31?dchild=1&keywords=jessenia&qid=1633815006&s=dmusic&sr=1-31

amazon Hello Select your address Digital Music | Jessenia

All Best Sellers Customer Service Prime New Releases Epic Daily Deals Books Pharmacy Registry Fashion Kindle Books Toys & Games Gift Cards Amazon Home Sell Automotive Computers Shop epic deals on top

amazon music Amazon Music Unlimited Amazon Music HD Amazon Music Prime Free Streaming Music Buy Music Open Web Player

Be a go-gifter Shop Holiday Gift Guides



Power Numbers
Jessenia
October 12, 2018

See all 2 formats and editions

| | |
|---------------------|------------|
| Streaming Unlimited | MP3 \$0.99 |
|---------------------|------------|

Listen with our Free App.

amazon music Listen Now Buy MP3 Album \$0.99


Sample this album

amazon Hello Select your address Digital Music | jessenia Ammo

All Best Sellers Customer Service Prime New Releases Epic Daily Deals Books Pharmacy Registry Fashion Kindle Books Toys & Games Gift Cards Amazon Home Sell Automotive Computers Shopper Toolkit The Fall C

amazon music Amazon Music Unlimited Amazon Music HD Amazon Music Prime Free Streaming Music Buy Music Open Web Player

Be a go-gifter Shop Holiday Gift Guides



Ammo
Jessenia
From the Album Ammo
October 1, 2019

amazon music Listen Now Buy song \$0.99

Sample this song

1 Ammo 2:26 \$0.99



Four Walls
by Jessenia, Jaimie Wilson, Love Park
MP3 Music
Listen with Music Unlimited
Or \$0.99 to buy MP3



Four Walls
by Jessenia, Jaimie Wilson, Love Park
MP3 Music
Listen with Music Unlimited
Or \$0.99 to buy MP3



Power Numbers
by Jessenia
MP3 Music
Listen with Music Unlimited
Or \$0.99 to buy MP3



Power Numbers
by Jessenia
MP3 Music
Listen with Music Unlimited

EXHIBIT F

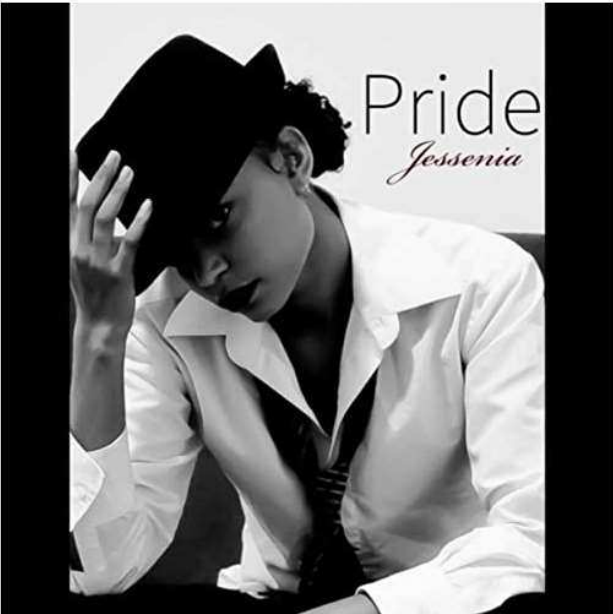
amazon.com/Pride/dp/B083FH525Q/ref=sr_1_23?dchild=1&keywords=jessenia&qid=1633815006&s=dmusic&sr=1-23

amazon Hello Select your address Digital Music jessenia

All Best Sellers Customer Service Prime New Releases Epic Daily Deals Books Pharmacy Registry Fashion Kindle Books Toys & Games Gift C

amazon music Amazon Music Unlimited Amazon Music HD Amazon Music Prime Free Streaming Music

Be a go-gifter Shop Holiday Gift Guides



Pride
Jessenia
From the Album [Pride](#)
January 3, 2020

Sample this song

Search results on amazon music

amazon.com/s?k=jessenia&i=digital-music&page=2&qid=1633835787&ref=sr_pg_2



Pride

by Jessenia

MP3 Music

Listen with Music Unlimited

Or \$0.99 to buy MP3



Dreamlife

by Jessenia

MP3 Music

Listen with Music Unlimited

Or \$0.99 to buy MP3



Angel Of Mine Lullaby

by Jessenia

MP3 Music

Listen with Music Unlimited

Or \$0.99 to buy MP3



Angel Of Mine Lullaby

by Jessenia

EXHIBIT G

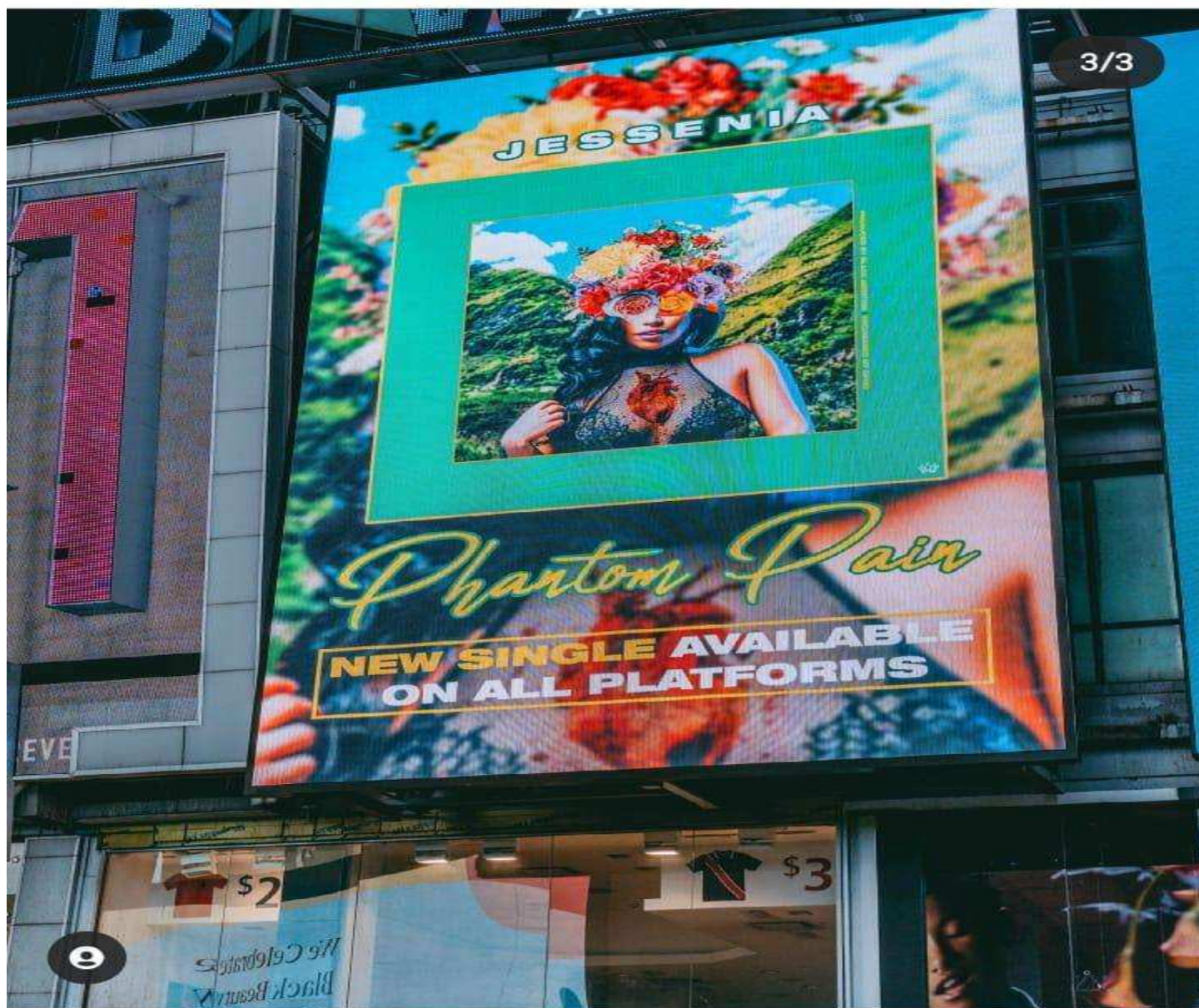


Posts



iamjessenia

Times Square, New York City



3/3



Liked by yanaiti.cuevas and 7,678 others

iamjessenia My parents came to this country leaving behind everything they knew & loved, for their children to have a better opportunity. My brothers came here as kids & I wasn't





Posts

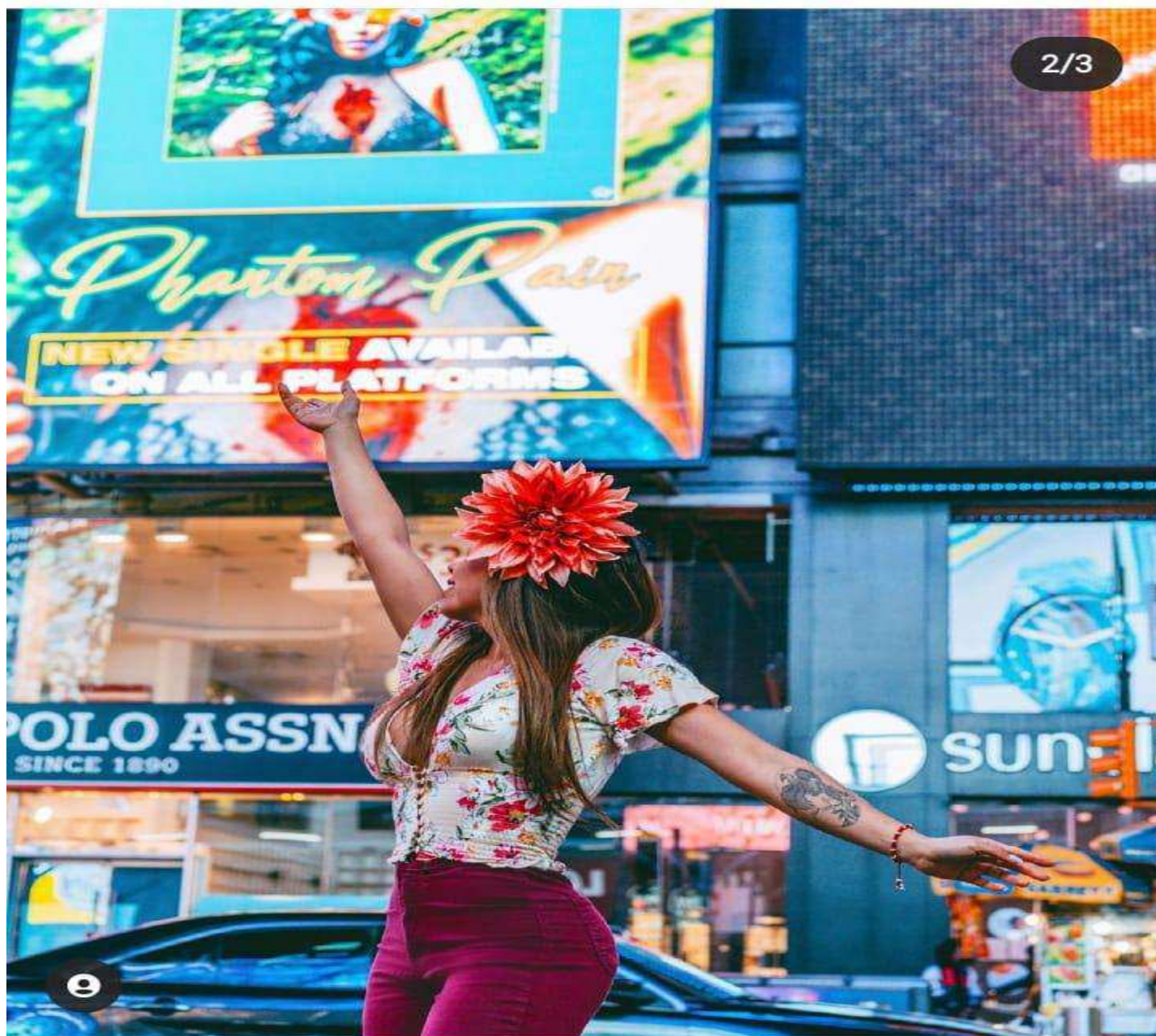


iamjessenia

Times Square, New York City



2/3

Liked by **yanaiti.cuevas** and 7,678 others

iamjessenia My parents came to this country leaving behind everything they knew & loved, for their children to have a better opportunity. My brothers came here as kids & I wasn't





Posts

Liked by **yanaiti.cuevas** and **7,678 others**

iamjessenia My parents came to this country leaving behind everything they knew & loved, for their children to have a better opportunity. My brothers came here as kids & I wasn't even a thought. I was born in NJ, raised in NEWARK (BRICK CITY BABY!) proud of my ECUADORIAN roots. NEW YORK took me in & has been my core foundation! From humble beginnings, I know struggle & pain far too well. Yet , I managed to pull through w so much love & resilience in the face of adversity. As much as it scared them, my parents always knew I was meant to be doing what I'm doing. They are my biggest fans. For far too long I've shyed away from my own greatness, the lack of self love, lead me into situations where I dimmed my own light , belittling myself & often minimizing myself to make others feel greater. I will never down play myself ever again, not in any situation. I will always carry my head up & let my aura shine bright. 🎵 "I deserve a crown & love , not pain. I'm a PHOENIX to a QUEEN!" — PHANTOM PAIN out everywhere. 🎵 BIG THANKS to the ppl who made this track w me @the_ambition_1706 @gprotheproducer @annomusic @youngmite 🙏💖🌸👉 We on a billboard ya'll in Time Square!!!!

📸 @lit.visions

#nj #newarknj #ecuador #latina #ny #timessquare #selflove
#knowyourworth

View all 205 comments



EXHIBIT H

GoDaddy

My Account

My Products

Account Settings

Manage your 1

Subscriptions

Order History

10 results

Order #

1765730078

1765296078

1725711770

1765795499

1766235356

1482796157-07 REFUND

1683941574

account.godaddy.com

GoDaddy

CONTACT US 24/7 480-505-8877

Receipt

№ 1508317865

DATE:
Jun 14, 2019, 9:23 AM

CUSTOMER #:
186095437

BILL TO:
jessenia gallegos
1046 cross ave.
Elizabeth, New Jersey 07208,
United States
+1.9732201924

PAYMENT:
Visa **** 4964

Previous Balance

Received Payment

Balance Due (USD)

\$203.88

\$203.88

(\$203.88)

\$0.00

| Term | Product | Amount |
|-------------|---|----------|
| 1 yr | Ultimate Linux Hosting with cPanel Renewal itsjessenia.com | \$203.88 |
| 1 mo | Renewal Usage | \$0.00 |
| Total (USD) | | \$203.88 |

REFERENCE

| | |
|---|--------|
| Taxes | \$0.00 |
| GoDaddy.com, LLC 14455 N. Hayden Rd., Suite 219, Scottsdale, Arizona 85260, United States | \$0.00 |
| Fees | \$0.00 |

Help Center

33

GoDaddyMy Account

My ProductsAccount Settings

Manage your I

SubscriptionsOrder HistoryPay

15 results

15 Results

Order #

1765732078

1765216717

1729771270

1726355189

1718225126

16839615746 REFUND

1683961574

account.godaddy.com

GoDaddyCONTACT US 24/7 480-505-8877

Receipt

№ 1718225126

DATE: Jul 15, 2020, 3:39 PM

CUSTOMER #: 188095437

BILL TO:

jessenia gallegos
1046 cross ave,
Elizabeth, New Jersey 07208,
United States
+1.9732201924

PAYMENT:

Paypal

\$30.68

Previous Balance

\$30.68

Received Payment

(\$30.68)

Balance Due (USD)

\$0.00

| Term | Product | Amount |
|------|--|-------------------|
| 1 yr | .COM Domain Registration agirltalks.com 1 | \$11.99 |
| 1 mo | Website Builder Free Trial | \$0.00 |
| 1 yr | .NET Domain Registration iamjessenia.net 1 | \$14.99 |
| 1 yr | .ONLINE Domain Registration jessenia.online 1 | \$0.99 |
| 1 yr | .INFO Domain Registration jessenia.info 1 | \$1.99 |
| | Discount | \$2.99 -\$1.00 |
| | Subtotal | \$29.96 |
| | Taxes | \$0.00 |
| | Fees | \$0.72 |

Help Centerjessenia

Filters

Amount

\$30.34 USD

\$30.34 USD

\$42.34 USD

\$36.34 USD

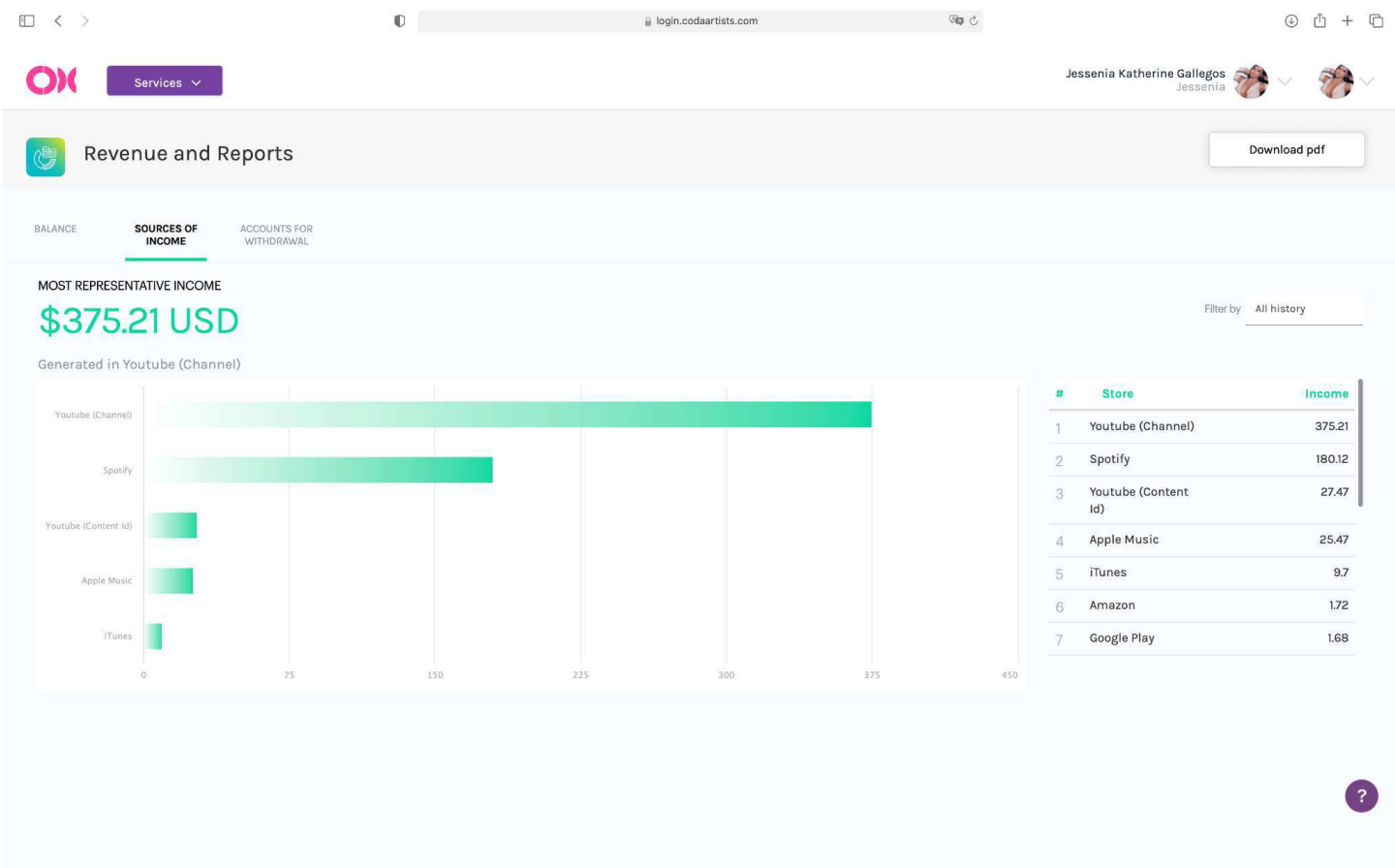
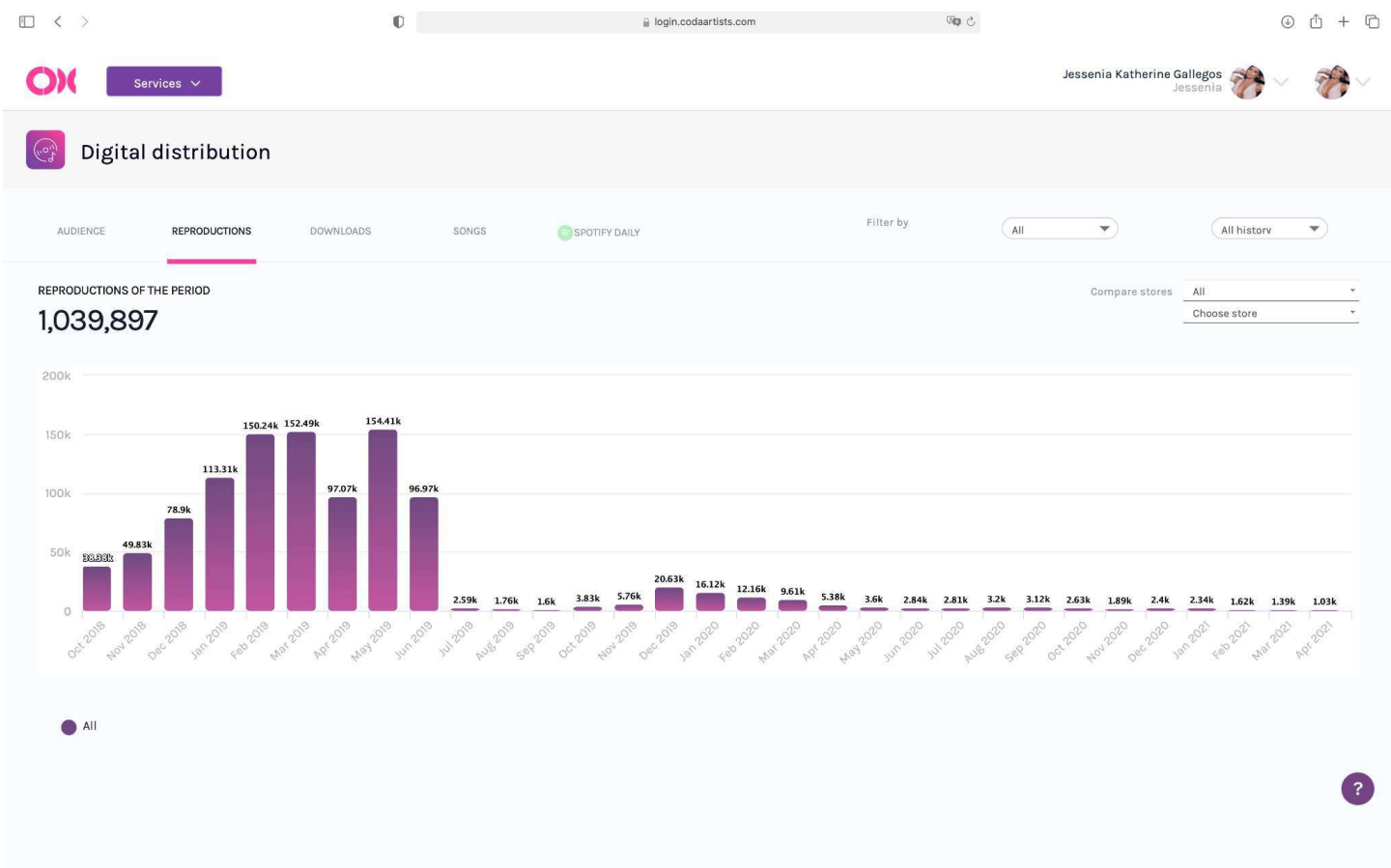
\$30.68 USD

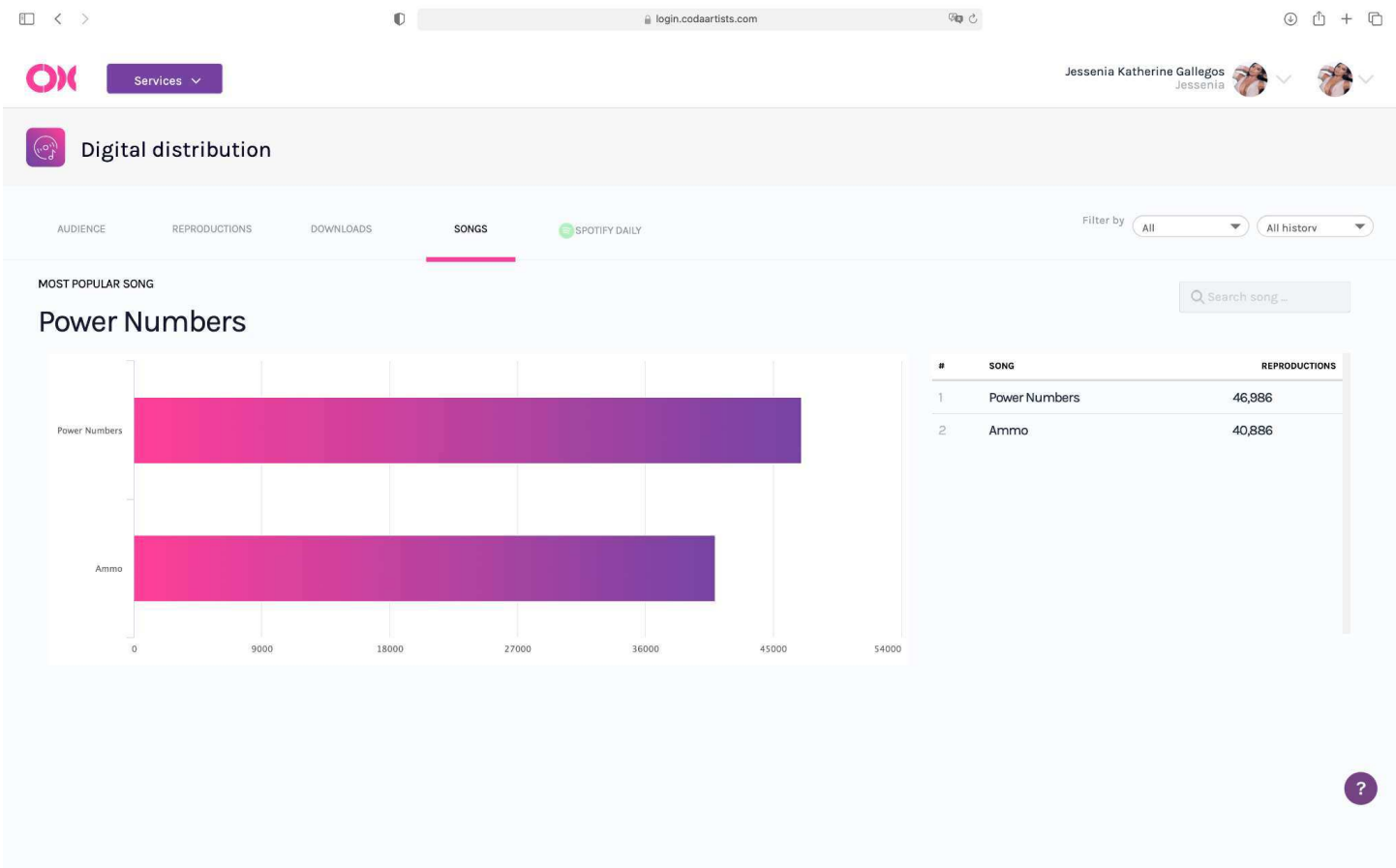
(\$44.98 USD)

\$44.98 USD

Contact Us

EXHIBIT I





Royalty Summary

On this page you'll find a quick overview of your royalties across reporting periods. Click into a period to view detailed breakdowns and download reports.

Have questions? Check out our [royalties knowledge base](#).

MAR-21 is now posted. [Click here to view the Report Notice](#).

Next Royalties Posting: APR-21 will be available on July 1, 2021

You can also view our [full royalties posting schedule](#) for additional information.

Current Balance : \$361.82

Request Payment

Royalty Periods

Year : 2021

View Details by Date Range

| Reporting Period | Overview |
|------------------|---|
| MAR-21 | <div><div>Opening Balance : \$153.75</div><div>Earnings : \$208.07</div><div>Adjustments : \$0.00</div><div>Payments : \$0.00</div><div>Outstanding Balance : \$361.82</div></div> <div>View Details ></div> |
| FEB-21 | <div><div>Opening Balance : \$126.52</div><div>Earnings : \$27.23</div><div>Adjustments : \$0.00</div><div>Payments : \$0.00</div><div>Outstanding Balance : \$153.75</div></div> <div>View Details ></div> |
| JAN-21 | <div><div>Opening Balance : \$92.69</div><div>Earnings : \$33.83</div><div>Adjustments : \$0.00</div><div>Payments : \$0.00</div><div>Outstanding Balance : \$126.52</div></div> <div>View Details ></div> |

Showing 1 to 3 of 3 entries

EXHIBIT J

music.apple.com/us/search?term=jessenia

Apple Music

Search: jessenia

Listen Now, Browse, Radio, Open in iTunes

Albums

Phoenix EP - Jessenia
Power Numbers - Single - Jessenia
Phantom Pain - Single - Jessenia
Power - Single - Jessenia
Ammo - Single - Jessenia
Four Walls - Single - Jessenia, Jamie Wilson, & Love Park

Songs

Sorry - Jessenia
For My Love - Jessenia
Excuses - Jessenia
Phantom Pain - Jessenia
Angel of Mine Lullaby - Jessenia
Phoenix - Jessenia
Sorry - Jessenia
Phoenix - Jessenia
Not Today - Jessenia
Pride - Jessenia
Excuses - Jessenia
Ammo - Jessenia

Music Videos

Pride - Jessenia
For My Love - Jessenia
Power - Jessenia

music.apple.com/us/artist/jessenia/1031972939

Apple Music

Search

Listen Now, Browse, Radio, Open in iTunes

Jessenia

Latest Release

Angel of Mine Lullaby - Single
MAY 9, 2021
1 Song

Top Songs

Ammo - Single - 2019
Power Numbers - Single - 2018
Una Oportunidad - Single - 2019
Four Walls - Single - 2020
Sorry - EP - 2020
Phoenix - Single - 2020
In Love with the DJ (Edm Infusion Remix) - Single - 2020
Phoenix EP - 2020
Sorry - Phoenix EP - 2020

Top Videos

For My Love - 2021

Google

jessenia music



All Videos News Images Shopping More

Tools

Collections SafeSearch



Jessenia - EXCUSES (Official Music...
youtube.com



Jessenia - PHOENIX (Official Music ...
youtube.com



Jessenia on Amazon Music
amazon.com



Jessenia - SORRY (Official Music Video ...
youtube.com



Jessenia - Home | Facebook
facebook.com



Jessenia - Model, Actor...
ianjessenia.net



Power Numbers (Official Music Video ...
youtube.com



Jessenia - AMMO (Official Music Video ...
youtube.com



R&B MUSIC SENSATION AND ...
radiofacts.com



jessenia vice | Model, W...
pinterest.com



New Music Video) Jessenia Vice - in ...
rapmanianinfo.wordpress.com



Stream Jessenia music | Listen to songs ...
soundcloud.com



Meet Jessenia Mills: Singer-S...
shoutoutla.com



Jessenia | The Bachelor
abc.com



Dreamlife by Jessenia on Am...



Video) Starring Jessenia Vice ...



PHOENIX by Jessenia on Am...



Jessenia | Spotify



Ammo by Jessenia on Amaz...



Who is The Bachelor's Jessenia Cruz?



R&B MUSIC SENSATION AND SOCIAL MEDI...



Jessenia on Pandora | Radio...

EXHIBIT K



jessenia music

All Videos Images News Shopping More Tools

Jessenia / Songs

| | |
|--|--------------|
| Power Numbers Power Numbers | Ammo Ammo |
| Four Walls Four Walls | |
| Una Oportunidad Una Oportunidad | |
| In Love with the DJ In Love with the DJ | |

Feb

Videos

- 

Jessenia - PHOENIX (Official Music Video)
YouTube · Jessenia
Aug 21, 2020
- 

Jessenia - SORRY (Official Music Video)
YouTube · Jessenia
Dec 31, 2020
- 

Jessenia - Do Me Like That (Official Video)
YouTube · Jessenia
Feb 14, 2021
- 

Jessenia - AMMO (Official Music Video)

Jessenia

Musical artist



iamjessenia.net

Available on

- YouTube
- Spotify
- YouTube Music

EXHIBIT L

← → C google.com/search?q=jessenia+spotify&ei=PdRhYbPBD5OeytMPyTch0Ak&ved=0ahUKEwjz046G8L3zAhUTJ3lEHUpvCJoQ4dUDCA4&uact=5&coq=jessenia+spotify&gs_lcp=Cgdnnd3Mtd2l6EAMyBggAEBYQrHjoHCAAQRxCwA0oECEYAFClL...

Google jessenia spotify X 🔍

All News Images Videos Shopping More Tools

About 37,500 results (0.32 seconds)

<https://open.spotify.com/artist/>

Jessenia | Spotify

Jessenia · Angel Of Mine Lullaby · Phantom Pain · PHOENIX · Phoenix · Four Walls · In Love with the DJ · In Love with the DJ (Edm Infusion Remix) · Ammo ...

<https://open.spotify.com/artist/>

Jessenia - Spotify - Web Player

Jessenia blends a world of Alternative Pop and Contemporary R&B to create a unique listening experience. Singer-Songwriter, Audio & Video Producer, ...

<https://open.spotify.com/album/>

Jessenia - Single by Antonio Raffone | Spotify

Listen to **Jessenia** on **Spotify**. Antonio Raffone · Single · 2018 · 1 songs.

<https://www.instagram.com/thisisjessenia/>

Jessenia (@thisisjessenia) • Instagram photos and videos

Jessenia. Artist, Singer-Songwriter, Actress ... Or Visit solo.to/jessenia youtu.be/uDQWYLnRQKU ... Spotify. Apple Music's profile picture. Apple Music.

<https://www.iamjessenia.net/>

Jessenia - Model, Actor, Singer

My name is **Jessenia**. I am an actress, singer, and social media influencer. I'm here to develop myself with my audience as I heal, grow and share my journey.

<https://darkmagazine.medium.com/meet-jessenia-a-m...>

Meet Jessenia: A Multi-Faceted Talent Sensation | by Mojomora

Jul 5, 2021 — Introducing **Jessenia** Mills, a singer-songwriter, ... at over 275k streams on **Spotify** and "Star" a trap banger which was released in 2019.

FIRST SPOTIFY LINK RESULT IS MY PROFILE ON SPOTIFY

The screenshot shows the Spotify profile for the artist Jessenia. The header features a large image of the artist and her name, 'Jessenia', with '340 monthly listeners' below it. A 'Follow' button is visible. The 'Popular' section lists five tracks with their respective play counts and durations. The 'Popular releases' section shows a single release, 'Angel Of Mine Left...'. The 'Singles and EPs' section displays a row of album covers for various releases.

| Rank | Track Name | Play Count | Duration |
|------|-----------------------|------------|----------|
| 1 | Phantom Pain | 391,251 | 2:54 |
| 2 | Angel Of Mine Left... | 58,810 | 3:00 |
| 3 | Four Walls | 54,427 | 2:13 |
| 4 | Bury | 35,024 | 2:54 |
| 5 | Phonix | 26,478 | 3:07 |

SECOND SPOTIFY SEARCH RESULT ON GOOGLE IS REGISTRANT ARTIST PAGE

The screenshot shows the Spotify profile for the artist Jessenia. The header features a large image of the artist and her name, 'Jessenia', with '47 monthly listeners' below it. A 'Follow' button is visible. The 'Popular' section lists five tracks with their respective play counts and durations. The 'Albums' section shows a single release, 'Love & Madness'. The 'Singles and EPs' section displays a row of album covers for various releases.

| Rank | Track Name | Play Count | Duration |
|------|------------------|------------|----------|
| 1 | Pride | 16,495 | 2:58 |
| 2 | The Beginning... | | 1:12 |
| 3 | Dreamlife | 1,455 | 4:09 |
| 4 | Love & Madness | | 3:27 |
| 5 | For My Love | | 3:06 |

EXHIBIT M

GoDaddyMy Account

My ProductsAccount Settings

Manage your I

SubscriptionsOrder HistoryPay

18 results

1765732075

1765716717

1729771270

1726395189

1716225126

16839615746 REFUND

1683961574

account.godaddy.com

GoDaddyCONTACT US 24/7 480-505-8877

Receipt

No 1718225126

DATE: Jul 15, 2020, 3:39 PM

CUSTOMER #: 188095437

BILL TO:

jessenia gallegos
1046 cross ave,
Elizabeth, New Jersey 07208,
United States
+1.9732201924

PAYMENT:

Paypal

\$30.68

Previous Balance

\$30.68

Received Payment

(\$30.68)

Balance Due (USD)

\$0.00

| Term | Product | Amount |
|------|--|-------------------|
| 1 yr | .COM Domain Registration agirttalks.com 1 | \$11.99 |
| 1 mo | Website Builder Free Trial | \$0.00 |
| 1 yr | .NET Domain Registration iamjessenia.net 1 | \$14.99 |
| 1 yr | .ONLINE Domain Registration jessenia.online 1 | \$0.99 |
| 1 yr | .INFO Domain Registration jessenia.info 1 | \$1.99 |
| | Discount | \$2.99 -\$1.00 |
| | Subtotal | \$29.96 |
| | Taxes | \$0.00 |
| | Fees | \$0.72 |

Help Centerjessenia

Filters

Amount

\$30.34 USD

\$30.34 USD

\$42.34 USD

\$36.34 USD

\$30.68 USD

(\$44.98 USD)

\$44.98

Contact Us

EXHIBIT N

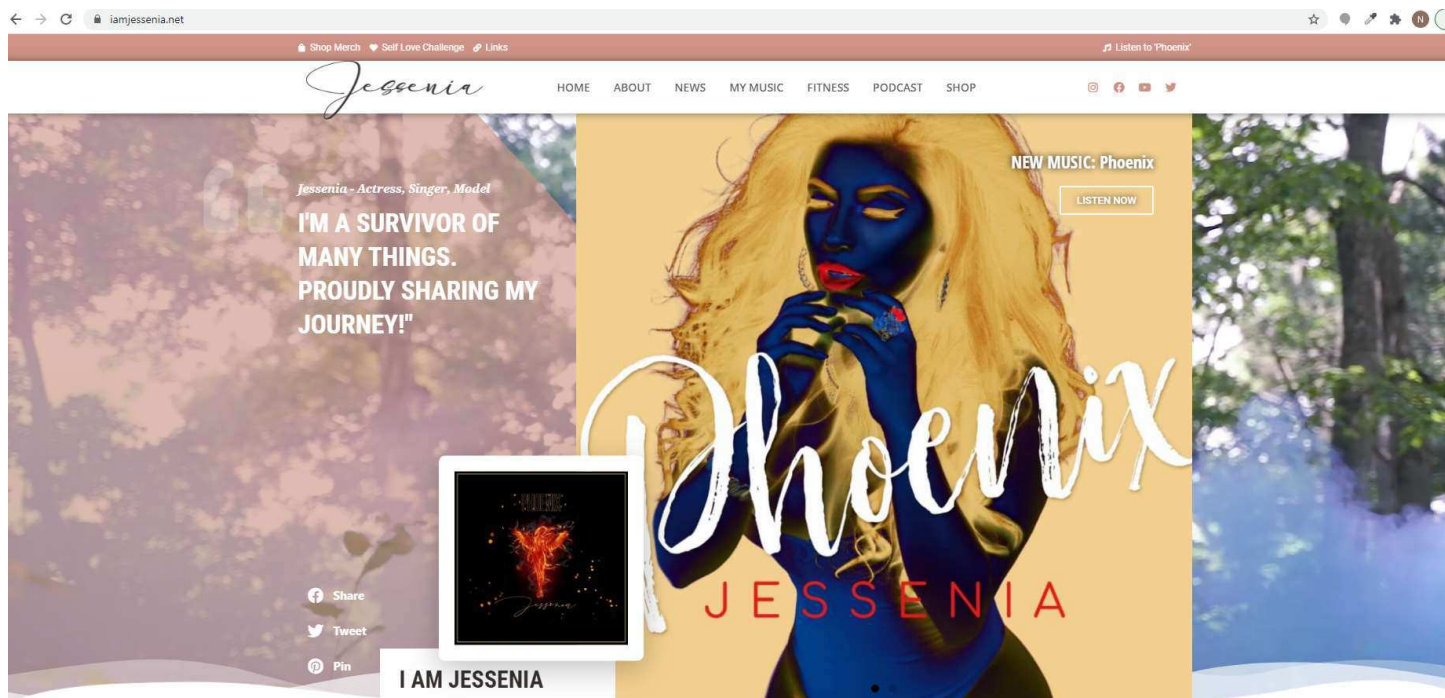


EXHIBIT O



EXHIBIT P

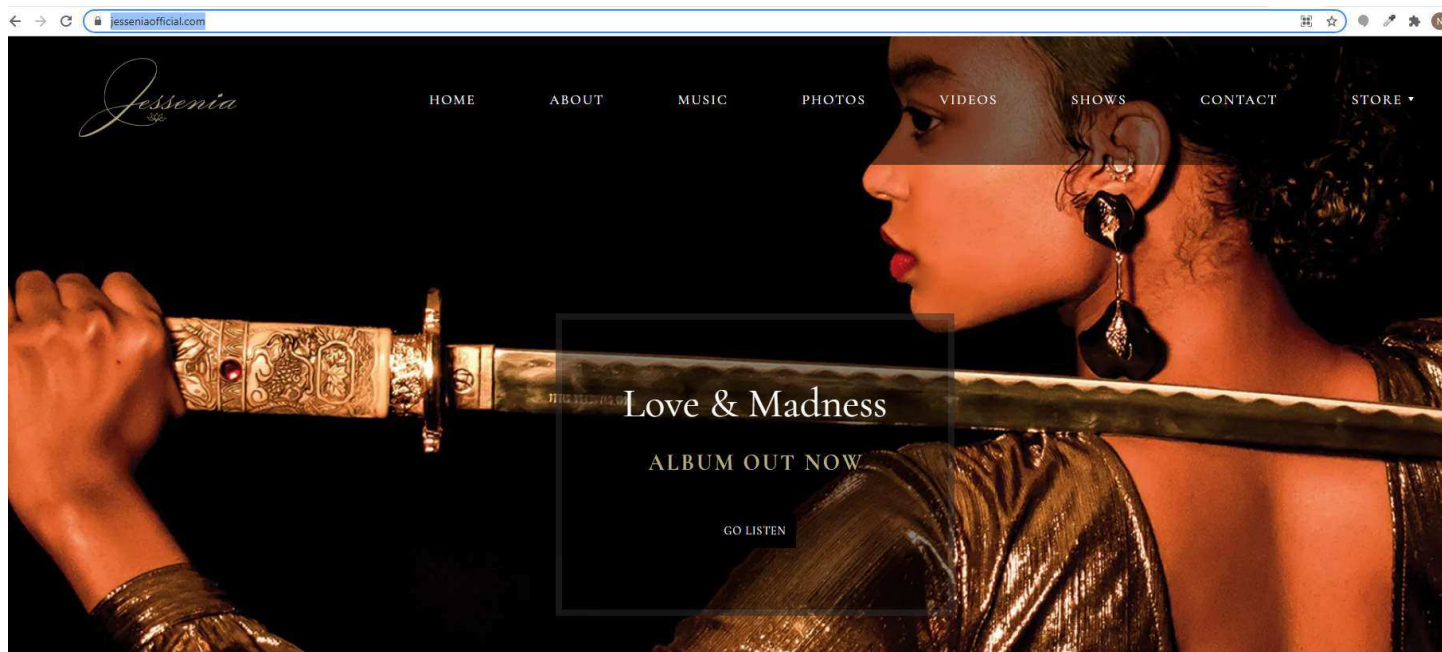


EXHIBIT Q

Instagram

Search

Lo



iamjessenia



Follow

414 posts

533k followers



2,074 following

Jessenia  USEC

Artist

 @youloveyou.brand @agirltalks

Executive Producer @superblockedmovie

   MORE   

sirenagency.com/jessenia

EXHIBIT R



thisisjessenia

Follow

49 posts

300 followers

159 following

Jessenia

Artist

Singer-Songwriter, Actress

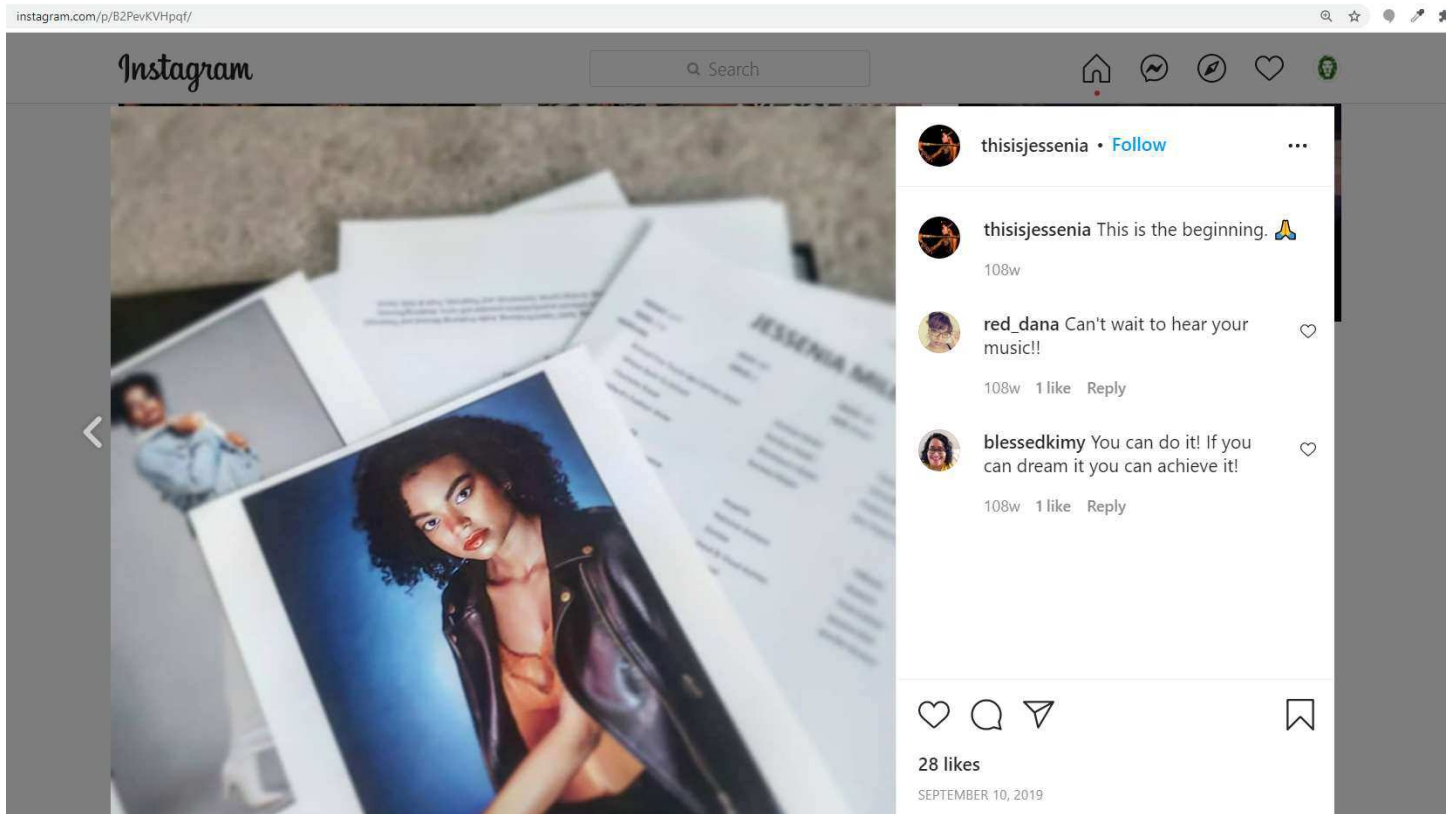
POWER Official Music Video OUT NOW.

Click Link Below! 📌 Or Visit solo.to/jessenia

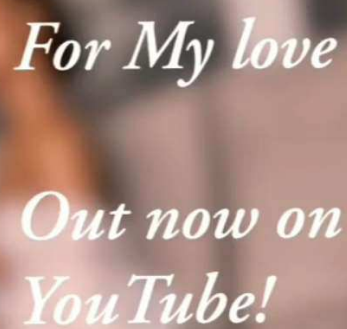
youtu.be/uDQWYLnrQKU



RESPONDENT'S FIRST POST ON IG dated SEPTEMBER 10, 2019



RESPONDENT'S SONG FOR MY LOVE OUT NOW AS OF SEPTEMBER 26, 2019



thisisjessenia • Follow

• •



thisisjessenia ❤️ Jessenia- 'For My Love'
Out Now! Check it out on SoundCloud &
Spotify(Follow!) and Youtube(Subscribe
hunny!) Direct Link in bio.

Photography @thisisjessenia

106w



shayy_bonitaaa Yesssss baby
girl!!!!!! You killed thissss 🍑🍑🍑❤️
❤️❤️👣👣👣

106w 1 like Reply



red_dana I can't wait for more.
Cause this is just a taste of your
voice

106w 1 like Reply



233 views

SEPTEMBER 26, 2019

EXHIBIT S

Jessenia

▶ Play on TIDAL

📱 Open in Desktop App

🔗 Share

Top Tracks

| | | | | |
|---|--|-------------------------------------|--|-----|
|  | Phoenix | Jessenia | Phoenix | ... |
|  | In Love with the DJ (Edm Infusion Remix) | Jessenia, DJ Slink | In Love with the DJ (Edm Infusion Remix) | ... |
|  | In Love with the DJ | Jessenia | In Love with the DJ | ... |
|  | Four Walls | Love Park, Jessenia, Jaimie Wils... | Four Walls | ... |
|  | Sorry | Jessenia | Phoenix EP | ... |

Albums



Love & Madness
Jessenia
2021

EXHIBIT T



Exhibits U





EXHIBIT V

Offbeats - Fool (opb. Fitz and the Tantrums)

YouTube player interface showing the video "Offbeats - Fool (opb. Fitz and the Tantrums)". The video is currently at 1:27 / 3:11. The video shows a group of performers on stage with a large screen in the background displaying the text "THINK... OFFBEATS... MIX BULLET HOLES".

Up next:

- Fitz and the Tantrums - Roll Up [Official Video] (1.2M views)
- Mix - Offbeats - Fool (opb. Fitz and the Tantrums) (50+ views)
- Oprah Interviews Lady Gaga About Mental Health - Full... (306K views)
- Danish Royal Wedding of Prince Frederik and Mary Donaldson... (2:05:24)
- Bubble Pop (147 views)
- How to make the perfect pie crust (13:04)
- "Chitterlings" Part 1 (How to clean & Wash) (37:35)
- Mature Skin Makeup Do's and Don'ts!

Taskbar and File Explorer:

Taskbar: Dance Performan...mp4, Decision and Orde...pdf, Trustee's Motion L...pdf, Carr v Army Order...pdf, Rights and Respo...pdf, Document25.docx

File Explorer: Type here to search

System tray: Desktop, Dropbox, 12:04 PM 1/8/2020



EXHIBIT W

Song Publishing Split Sheets

(each songwriter and composer/producer gets a copy of the fully completed sheet)

NOT TODAY

Song Title: _____

& 4/1/2019 (list day song was composed and written, list each day if more than 1)

Date: 4/2/2020

Recording Band/Artist: Jessenia Label (if any): _____

Studio Name: _____

1046 Cross Ave

Studio Address: Elizabeth, NJ 07208

Studio Phone Number: 973-220-1924

Samples: YES ☒ NO ☐ (Circle One) || Album & Artist Sampled: _____

WRITER #1: Jessenia Gallegos

Address: 1046 Cross Ave

Elizabeth, NJ 07208

Phone: 973-220-1924

Publishing Company (list any 3rd party publishing companies & their information, if it applies):

Publishing %:

Affiliation: ASCAP ☒ BMI ☐ SESAC ☐ (Circle one)

% Ownership: Lyrics: 50 Music: _____ (List % ownership in each instance)

Writer/Composer Signature _____

CAE/Social Security # _____

Birthdate 9/5/1984

Jaimie Wilson

WRITER #2: _____

Address: _____

Phone: (517) 294-8665

Publishing Company (list any 3rd party publishing companies & their information, if it applies):

Publishing %:

Publishing %:

Affiliation: ASCAP ☒ BMI ☐ SESAC ☐ (Circle one)

% Ownership: Lyrics: 50 Music: _____ (List % ownership in each instance)

Writer/Composer Signature _____ CAE/Social

Security # _____

Birthdate 12/22/1995

Song Publishing Split Sheets

(each songwriter and composer/producer gets a copy of the fully completed sheet)

Song Title: **PHOENIX**

Date: **12/1/2019** (list day song was composed and written, list each day if more than 1)

Recording Band/Artist: **Jessenia** Label (if any):

Studio Name: **N/A (Home Studio)**

Studio Address: **1046 Cross Ave
Elizabeth, NJ 07208**

Studio Phone Number: **973-220-1924**


Samples: YES ☒ NO (Circle One) || Album & Artist Sampled:

WRITER #1: **Jessenia Gallegos**

Address: **1046 Cross Ave
Elizabeth, NJ 07208**

Phone: **973-220-1924**

Publishing Company (list any 3rd party publishing companies & their information, if it applies):

Publishing %:
Affiliation: ASCAP ☒ BMI ☐ SESAC (Circle one)
% Ownership: Lyrics: **33.3** Music: (List % ownership in each instance)
Writer/Composer Signature 
CAE/Social Security #
Birthdate **9/5/1984**

WRITER #2: **Felipe Novelo**
Address: **2605 Village Dr
Brownsville, Tx 78521**

Phone: **(956) 518-2546**

Publishing Company (list any 3rd party publishing companies & their information, if it applies):

Publishing %:

Publishing %:
Affiliation: ASCAP ☒ BMI ☐ SESAC (Circle one)

% Ownership: Lyrics: **33.4** Music: (List % ownership in each instance)
Writer/Composer Signature  CAE/Social
Security #
Birthdate **10/13/1993**

Song Publishing Split Sheets

(each songwriter and composer/producer gets a copy of the fully completed sheet)

YEARS & TEARS

Song Title: _____

Date: 3/1/2020 (list day song was composed and written, list each day if more than 1)

Recording Band/Artist: Jessenia Label (if any): _____

Studio Name: 1046 Cross Ave

Studio Address: Elizabeth, NJ 07208

Studio Phone Number: 973-220-1924

Samples: YES ☒ NO (Circle One) || Album & Artist Sampled: _____


WRITER #1: Jessenia Gallegos

Address: 1046 Cross Ave

Elizabeth, NJ 07208

Phone: 973-220-1924

Publishing Company (list any 3rd party publishing companies & their information, if it applies):

Publishing %: _____
Affiliation: ASCAP ☒ BMI ☐ SESAC (Circle one)
% Ownership: Lyrics: 50 Music: _____ (List % ownership in each instance)
Writer/Composer Signature: 
CAE/Social Security #: _____
Birthdate: 9/5/1984

WRITER #2: Jaimie Wilson


Address: _____

Phone: (517) 294-8665

Publishing Company (list any 3rd party publishing companies & their information, if it applies):

Publishing %: _____

Publishing %: _____
Affiliation: ☒ ASCAP ☐ BMI ☐ SESAC (Circle one)

% Ownership: Lyrics: 50 Music: 80 (List % ownership in each instance)
Writer/Composer Signature:  CAE/Social
Security #: _____
Birthdate: 12/22/1995

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD**

In re Registration No: 6278898

Mark: JESSENIA

Issued: February 23, 2021

| | | |
|-------------------|---|------------------------------|
| Jessenia Gallegos |) | Cancellation No. 92077063 |
| |) | |
| Petitioner, |) | Declaration of Kevin Montano |
| |) | |
| V. |) | |
| |) | |
| Jessenia Mills |) | |
| |) | |
| Respondent |) | |

I, Kevin Montano, hereby declare as follows:

I have personal knowledge of all the facts and circumstances contained herein, and I submit this declaration in support of Petitioner, Jessenia Gallegos and her Motion for Partial Summary Judgment seeking to cancel the registration of the mark JESSENIA owned by Registrant, Jessenia Mills ("Registrant").

1. I am at least 18 years of age.
2. I am the President and Founder of the Latin Mixx Conference and Awards.
3. I was present at the Latin Mixx Awards and after party on July 11, 2013.
4. I witnessed Petitioner performing and singing as the artist JESSENIA.
5. Petitioner was introduced on stage as JESSENIA only.
6. As the President and founder I have knowledge that Ms. Gallegos was compensated for her performance on July 11, 2013.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

SIGNED this 15 day of SEPT 2021.

A handwritten signature in cursive script, appearing to read "Kevin Montano", written over a horizontal line.

Kevin Montano

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD

In re Registration No: 6278898
Mark: JESSENIA
Issued: February 23, 2021

Jessenia Gallegos

Petitioner,

V.

Jessenia Mills

Respondent

Cancellation No. 92077063

Declaration of Johnny Marines

I, Johnny Marines, hereby declare as follows:

I have personal knowledge of all the facts and circumstances contained herein, and I submit this declaration in support of Petitioner, Jessenia Gallegos and her Motion for Partial Summary Judgment seeking to cancel the registration of the mark JESSENIA owned by Registrant, Jessenia Mills ("Registrant").

1. I am at least 18 years of age.
2. I was the President of Roc Nation Latin, a division within the company of which I was involved in the music industry and worked with artists such as Aventura and Romeo Santos.
3. I was present at the Latin Mixx Awards and after party on July 11, 2013.
4. I witnessed Petitioner performing and singing as the artist JESSENIA.
5. Petitioner was introduced on stage as JESSENIA only.



6. While I was present, I took a photograph of the artist known as JESSENIA performing on stage (see Exhibit A.)

7. I have known Petitioner professionally since 2013.

8. I have witnessed Petitioner release the following songs on including but not limited to Spotify, Apple Music, Amazon Music, Pandora, Deezer, Tidal and/or www.iamjessenia.com (formerly) and the now current www.iamjessenia.net, as the musician known as JESSENIA:

- | | |
|----------------------|-------------------|
| a. Power Numbers | October 12, 2018 |
| b. Ammo | October 1, 2019 |
| c. <u>Phoenix EP</u> | |
| 1. Sorry | September 3, 2020 |
| 2. Excuse | September 3, 2020 |
| 3. Not Today | September 3, 2020 |
| 4. Phoenix | September 3, 2020 |
| d. Phantom Pain | May 7, 2021 |
| e. Angel of Mine | May 8, 2021 |

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

SIGNED this 2 day of July 2021.



Johnny Marines

EXHIBIT A

